

Remarks

Claim 7 was objected to and has been corrected.

Claims 1 to 5 and 14 to 16 were rejected under 35 U.S.C. 102 as anticipated by Norris. All of Applicant's claims now require a flat plate. As can be seen clearly in the drawings of Norris, his "retainer" is not flat and therefore Norris does not anticipate any of Applicant's claims. Applicant notes that Claim 19, which requires a flat plate, rather than an "approximately" flat plate (original Claims 1 and 14), was not rejected under 35 U.S.C. 102 as anticipated by Norris. Therefore, none of Applicant's claims should now be rejected under 35 U.S.C. 102 as anticipated by Norris.

The purpose of the retainer in Norris is to gather together "a shoulder strap of a first garment and a shoulder strap of a second garment" and to hold "one or more shoulder straps in place on a wearer's shoulder." (Abstract). In order to accomplish that, Norris requires a grip means 27 which has four arms 29, 33, 37, and 41, that hold on to the straps. There is no such grip means on Applicant's flag lock. Applicant has amended Claims 4 and 19 to further distinguish over Norris.

Claims 6, 17, and 19 were rejected under 35 U.S.C. 103(a) as obvious over Norris. The invention of Norris is in the ladies' garment art, while Applicant's invention is directed to a flag lock that secures a flag without banging against the flagpole. No one seeking a way to prevent flags from banging against flagpoles would look in the ladies' garment art to find a solution to that problem. Norris is in a non-analogous art and should not be cited at all against Applicant's invention.

Claims 7 to 13, 18, and 20 were rejected under 35 U.S.C. 103(a) as obvious over Norris in view of Bowers. Bowers' invention is not concerned with how the flag is attached to the halyard. Rather, Bowers' invention is directed to preventing the halyard from moving relative to the flagpole. Bowers attaches the flag to the halyard using conventional fasteners 93. Bowers' fasteners 93 are made of metal and will constantly bang against the flagpole when the wind blows, exactly the problem Applicant's invention overcomes. (See paragraph [0002] of Applicant's specification.)

The Examiner argues that, "it would have been obvious to one with ordinary skill in the art at the time of the invention was made to add the flag & halyard disclosed by Bower to the plates disclosed by Norris in order to widen the range of cloth articles (i.e. a garment or a flag) retained by the plates." If Applicant understands the Examiner correctly, he is arguing that it is obvious to use the retainer of Norris on the Bower halyard instead of the Norris fastener 93. Applicant does not agree.

The retainer of Norris is used to hold two overlapping straps together so that they do not move relative to each other. With a halyard, there is only a single rope, not two overlapping ropes, or even overlapping straps, that must be held together. Rather the problem is to attach the halyard to the flag. Norris deals with the problem of attaching straps to straps, not with the problem of attaching straps to a garment. The retainer in Norris is not suitable for attaching a single strap or halyard to a garment or a flag.

The Norris retainer holds straps together that are in a straight line. It has four grips that are bent away from the middle section so as to permit the straps to pass

through it in a straight line. It is not designed to hold a strap or rope that loops around the middle section, as required in Applicant's Claims 7 to 13, 18, and 20.

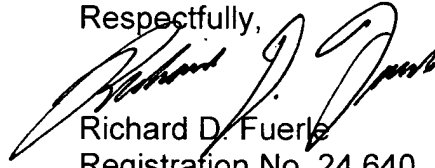
There is no disclosure or suggestion in Norris or Bower to use his retainer in the same manner that Applicant uses his flag lock. That is, there is no suggestion in either Norris or Bower to push a loop of the halyard through an eyelet in the flag and over a flat piece that has a small middle section and larger end sections. Bower does not push a loop of his halyard through an eyelet in his flag and Norris does not push any strap through any eyelet. Indeed, there are no eyelets in Norris. Neither reference suggests pushing a loop through an eyelet and neither reference suggests putting a loop around the middle section of a flat piece that has larger end sections. It cannot be obvious to do that when neither reference suggests doing it. Applicant's Claims 7 to 13, 18, and 20 all require a loop passing through an aperture in the flag and over the middle section of the flag lock, which is not obvious over these references.

In addition, the Examiner's combination of these two references assumes that a person skilled in the art, trying to solve the problem of banging flagpole fasteners, would have these two references in front of him. As mentioned hereinabove, Norris is in the ladies' garment art and it is not reasonable to believe that a person seeking a way prevent noisy flagpoles would look at the ladies' garment art.

For these reasons, Applicant believes that his invention is patentable over the cited art. Reconsideration and allowance of all of the claims are therefore requested. Should the Examiner wish to discuss this application, he is invited to call Applicant's

attorney at (716) 774-0091.

Respectfully,

A handwritten signature in black ink, appearing to read "Richard D. Fuerle", written over the printed name.

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